

**OFFICE OF THE
OMBUDSMAN**

ENGLISH SERVICES

**ANNUAL REPORT
2009-2010**

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THE OMBUDSMAN'S REPORT 2009-10

Valedictories can often be formulaic. In this case, it is heart-felt.

As I conclude my term as Ombudsman, I take away renewed respect for the consumers of CBC journalism and for the journalists who present it.

A faithful reader of my reviews and reports will know that our journalistic work is not perfect—a state almost unimaginable for any group of human beings. But the broad sweep of conclusions shows that the organization remains committed to trying to practice journalism at a very high level, often under difficult circumstances. It has been heartening to note the respect with which the Ombudsman's work has been received inside the organization and the thoughtfulness and care that has gone into the search for remedies when such are required.

There have been less-heartening signs as well: the increasingly nasty tone of some of the correspondence, particularly from those with strong viewpoints on both domestic and international issues. While I should note the depth of knowledge and commitment by many of those who write, there is all too often a slide into language well outside what should be the parameters of intelligent discourse. It is probably now a cliché to note the influence of various modes of almost instant communication and of a political atmosphere in North America increasingly dominated by “shouting” instead of discussion.

However, my day is often redeemed by an intelligently critical communication, giving hope that people may disagree without being disagreeable.

In the past year we continued to receive a high volume of correspondence; slightly less than the year before but without some of the events that produce a very high volume of material, such as elections in both the U.S. and Canada. I do not envy my successor, who is likely to face a Canadian election soon along with the on-going “hot button” issues in the Middle East and Afghanistan.

During the fiscal year 2009-10 the Office of the Ombudsman dealt with 2,028 complaints, communications and expressions of concern, including 1,204 about information programming. We received 824 complaints, communications and expressions of concern about general programming and non-programming matters, including 180 about “User Generated Content” on CBCNews.ca. During the year I conducted 84 reviews, including 12 about one interview on The Current. Another 28 were carried over to be completed in the next fiscal year.

The office continues to be staffed by two: the Ombudsman and the ever-resourceful Laura Marshall, who has kept Ombudsmen from disaster for close to 15 years. With the expansion of news services over the last number of years, there may be a “tipping point” on the horizon for the office in being able to keep up with the volume of material while providing considered and, we hope, intelligent reflection on journalistic practice.

Vince Carlin
Ombudsman, English Services

RAPPORT DE L'OMBUDSMAN DES SERVICES ANGLAIS 2009-10

Les adieux peuvent souvent être protocolaires. Dans mon cas, ils viennent du cœur.

Arrivé au terme de mon mandat d'ombudsman, j'emporte avec moi un respect constamment renouvelé pour les consommateurs du journalisme de CBC et pour les journalistes qui le présentent.

Un lecteur fidèle de mes analyses et rapports apprendra que notre travail journalistique n'est pas parfait, une situation qui n'est pas inimaginable pour un groupe d'être humains. Mais toutes les conclusions révèlent que l'organisation reste engagée à essayer de faire du journalisme de grand calibre, et souvent dans des circonstances difficiles. Cela fait chaud au cœur de voir le respect avec lequel le travail de l'ombudsman a été reçu au sein de l'organisation ainsi que le sérieux et le soin mis dans la recherche de correctifs lorsque cela s'imposait.

Il y a aussi des manifestations moins réconfortantes : le ton de plus en plus désagréable de certains dans leur correspondance, en particulier de ceux qui ont des idées très arrêtées sur les dossiers nationaux et internationaux. Même si les connaissances et l'engagement de ceux qui nous écrivent est à noter, il y a souvent des dérapages au niveau du langage qui se situent bien au-delà des paramètres du discours intelligent. C'est probablement un cliché dorénavant de noter l'influence des divers modes de communication presque instantanée et du climat politique qui règne en Amérique du Nord, de plus en plus dominé par les « cris » plutôt que par la discussion.

Toutefois, ma journée est souvent transformée par un message intelligemment critique, qui me donne l'espoir que les gens peuvent ne pas être d'accord sans être désagréables.

Au cours de l'année écoulée, nous avons continué de recevoir un volume élevé de correspondance : un peu moins que l'année d'avant, mais c'est sans compter certains événements qui génèrent beaucoup de commentaires, comme les élections aux États-Unis et au Canada. Je n'envie pas mon successeur, qui devra probablement faire face à des élections canadiennes ainsi qu'aux dossiers chauds du Moyen-Orient et de l'Afghanistan.

Pendant l'exercice 2009-2010, le Bureau de l'ombudsman a traité 2 028 plaintes, communications et expressions de préoccupation, dont 1 204 concernaient l'Information. Nous avons reçu 824 plaintes, communications et expressions de

préoccupations au sujet de la programmation en général et de questions non liées à la programmation, dont 180 concernaient ce que nous appelons le « contenu généré par l'utilisateur » dans CBCNews.ca. Pendant l'année, j'ai procédé à 84 révisions, dont 12 concernaient une entrevue diffusée à l'émission *The Current*. Vingt-huit autres sont en cours et seront terminées au cours du prochain exercice.

Le Bureau continue de fonctionner avec deux personnes : l'ombudsman et l'indispensable Laura Marshall, qui, depuis près de 15 ans, lui évite tous les désastres. Avec l'expansion des services de nouvelles au cours des dernières années, le Bureau aura peut-être un peu de mal à long terme à continuer de gérer le volume de correspondance, tout en proposant, nous l'espérons, une réflexion intelligente sur la pratique journalistique.

Vince Carlin
Ombudsman, Services anglais

COMPLAINTS REVIEWED BY THE OMBUDSMAN

April 27, 2009

N.S.

The Point, CBC Radio

N.S. complained that the host of The Point used the death of Robert Dziekanski as an example of “suicide by cop.”

Alison Broddle, Executive Producer of The Point, explained that the subject of the interview was the phenomenon known as “suicide by cop.” She said that the host of the program asked a question about whether police might try to fall back on this as a defence or excuse for shooting someone. “...While I agree that the wording does make an ambiguous connection, at no time does our host state that this was a case of suicide by cop. Instead he raises a hypothetical version of events under which some people might consider this as a possible explanation.”

Review

As Ms. Broddle pointed out, the subject of “suicide by cop” was raised hypothetically and, it appeared to me, only to point out that if we did not have the video tape of the incident that was a possible line of excuse for the police. From my listening, no reasonable person would conclude that the panelists were attributing that motive to Mr. Dziekanski—just the opposite. There was no apparent “slandering” of Mr. Dziekanski and no violation of CBC’s Journalistic Standards and Practices.

May 4, 2009

A.M.

CBC News: Morning

A.M. complained that the weather presenter, Colleen Jones, wore a Sarah Palin “costume” on October 31, 2008 – Halloween. He said that Ms. Jones made fun of Ms. Palin by “mocking her way of speaking, her intelligence and her manner of dress and appearance. While the segment could have been a lighthearted appearance by someone merely dressed as Mrs. Palin, the weather-woman proceeded to mock Mrs. Palin for 2-3 minutes in a mean-spirited and extremely biased way.”

Cynthia Kinch, Director of CBC Newsworld, replied that she did not believe “that any fair viewing would conclude that Ms. Jones’ efforts at dressing up for Halloween stemmed either from partisanship or animus toward the American

politician. It was conceived and offered in good spirits and in the best tradition of Halloween. Viewers told us they understood that and enjoyed it.”

Review

One of the clear injunctions of CBC’s Journalistic Standards and Practices is that CBC journalists not take stands on matters of public controversy. While weather and sports segments are on the margin of pure journalism, by and large they fit within the ambit of policy. Such segments should not be used to make unbalanced political commentary, even if inadvertent. While Ms. Kinch raised the notion that Colleen Jones might have been speaking of herself when she said “Smile a lot and use your hands because you don’t know what you are talking about,” even an uncommitted viewer would most likely have assumed that Ms. Jones was “doing” Sarah Palin. As we were in the final weeks of the U.S. election campaign, her presence on the ticket was clearly a matter of “public controversy.” CBC personnel, even in a light-hearted journalistic context, should not be making statements of that nature.

May 6, 2009

J.D.

The Current

J.D. was “disgusted and appalled” by the choice of David Frum as host of The Current on Friday, October 24, 2008. He said that the program “featured almost entirely, heroes of the American fascist movement such as Richard Perle.”

Pam Bertrand, Executive Producer of The Current, responded, saying that people from a wide spectrum of views had been brought on as “Friday hosts” – politicians from three federal parties, journalists and other interesting people from various walks of life. She mentioned who was on the program, not all of whom were from the more conservative part of the spectrum.

Review

In general, hosts employed by the CBC are not supposed to editorialize. However, CBC’s *Journalistic Standards and Practices* makes provision for guest hosts or commentators that represent particular points of view. Should a guest host come from one particular point of view, the program producers should ensure that other views are presented, within a single program or over the course of a program series. Were Mr. Frum the only guest host of the program, or were all guest hosts of the same persuasion, there would be a serious charge to answer in relation to

policy. In fact, though, the program attempted to bring various perspectives to bear, and that could only be considered a virtue.

May 6, 2009

T.V.

CBC Radio, Election 2008

T.V. complained about what he considered blatantly biased and anti-conservative coverage during the federal election campaign. He offered one example: a 3:00 pm radio newscast on October 12, 2008, during which he said that the Conservative party was not even mentioned.

Jane Anido, Director of CBC Radio News Programming, replied that, in fact, Mr. Harper was mentioned during the brief items carried on the final Sunday of the campaign, that there were lengthier items on other newscasts that day and that, over the run of the campaign, CBC Radio had provided balanced coverage of the major parties.

Review

The obligation is to be balanced over a reasonable period of time. With an on-going story such as an election campaign, it is understandable that from hour to hour certain stories will be highlighted when they are most current. It is also reasonable to assume that, at the end of the day, the major programs will provide, as far as possible, a balanced accounting of that day's activities. CBC Radio met the standards set out in policy for balance and fairness in its newscasts on that day and throughout the campaign.

May 7, 2009

W.B.

CBC Radio News, CBCNews.ca

W.B. complained about coverage of one of the resolutions debated at the Conservative Party of Canada policy convention in November, 2008. He wrote that "one of the resolutions called for halting the assault on free speech and free press currently being conducted by 'Human Rights Tribunals' in Canada." He went on to say that at least two services of the CBC immediately described this as "moving the party to the right." He said that the effect was that "the CBC has

actively opposed HRC reform, has biased discussion of the HRCs and has unfairly characterized HRC critics within the Conservative Party.”

Jane Anido, Director of CBC Radio News Programming, responded that “protection of the free expression guaranteed all Canadians should be a matter of equal and vital interest to those on the ‘left’ and ‘right,’ but these days, the issue seems to be of far greater concern to those on the ‘right’ who feel it is their rights being attacked.” She concluded that “neither story suggests that this is any more than ‘reaffirming’ the party’s view or as the radio story said ‘nudg(ing) it back toward the right after the election.”

Review

The items failed to provide appropriate context. It would have been clearer to identify those resolutions that were clearly brought forward by more conservative delegates and supported by like-minded people (and which would be opposed by people of a more liberal persuasion). I could find no evidence that CBC News had in any way opposed HRC reform or attempted to bias the discussion of this issue. The easy shorthand of “right/left” has previously been found wanting by CBC news management. Writers and editors should be reminded of those guidelines.

May 8, 2009

L.S.

CBC Radio News

L.S. wrote in January, 2009, to complain about what he felt was “biased” coverage of the conflict between Israel and the Palestinians in Gaza between late December, 2008, and mid-January, 2009. He said that World Report and The World at Six repeatedly presented the “Israeli explanation” of the causes of the Israeli attack, but said little about the “Palestinian explanation.”

Jane Anido, Director of CBC Radio News Programming, replied, in essence, that news bulletins, including the longer programs L.S. mentioned, provided relatively short items relating to the most recent developments. Longer, more complex items could be found on CBC’s current affairs programs. She also mentioned that both sides had been covered in the days leading up to the Israeli attack.

Review

It was not clear what “explanations” L.S. referred to. Israel changed the situation by launching its assault. Hamas was fighting back, while continuing to launch rockets into Israel. I was not quite sure what “explanations” would be pertinent

from Hamas. In order to respond fully, I listened to every report on the conflict from December 27, 2008, to January 19, 2009, carried on the 8:00 am (ET) World Report and the 6:00 pm (ET) World at Six. Not only was the coverage consistent with CBC's Journalistic Standards and Practices, I was struck by the professionalism displayed by CBC's journalists in a most difficult situation. I noted in particular the efforts of daily journalists to go beyond the usual coverage of conflict – often called the “bang-bang” – and find stories of ordinary people on both sides of the border. It was worth noting that the effort to give voice to ordinary Palestinians caught under fire led to significant and sustained complaint from those who felt the reports were overly sympathetic to the people of Gaza, or their Hamas leaders. I did not find that to be the case, either.

May 22, 2009

T.K.

The Sunday Edition

T.K. complained about two elements of The Sunday Edition of February 1, 2009. She was concerned that Michael Enright's essay “suggested that First Nation communities in this country engage in illegal activity...Mr. Enright suggested at the end of his ‘essay’ that a better solution to curbing smoking would be to deal with the illegal sales of cigarettes on First Nations Reserves.” She also said that, “in an interview about volunteering in third world countries he asked the guest why they didn't arrange these type of tours to First Nations. Again, I must question his characterization of First Nation communities.”

Producer Marjorie Nichol replied that “It is certainly true that the vast majority of First Nations Communities have no involvement in the manufacture or sale of illegal cigarettes. Numerous studies have concluded, however, that a substantial portion, perhaps even a majority, of illegal cigarettes sold in this country have been sold through Aboriginal reserves.” She also said that the later observation that far too many of this country's First Nations Communities live in unacceptable conditions is, sadly, simply a statement of fact.

Review

It is a well-established principle of CBC journalistic policy that anything asserted as fact by a CBC journalist must be provable as such. T.K. appeared to be asserting that the two propositions were not true. Were that the case, T.K. would have had a valid complaint against Mr. Enright. However, it is a fact that illegal cigarette sales happen on some reserves. This appears to be well documented. Had Mr. Enright suggested or implied that illegal sales happened only on reserves,

he would have been in error. But, in fact, he pointed out that they happen on downtown streets as well. In the other interview, about “voluntourism,” Mr. Enright asked why this kind of activity was not promoted at home, such as helping those on reserves where conditions were below standard. Unless T.K. believed that all reserves and other identifiable areas in Canada are functioning well, it was a legitimate question. There was no violation of CBC Journalistic Standards and Practices.

May 28,2009

M.B.

CBC Newsworld

M.B. wrote in January, 2009, during the Israeli invasion of Gaza, to complain about a remark made by a journalist from Al Jazeera. During a report from Gaza, the journalist recounted complaints from the International Committee of the Red Cross and the UN that some of their workers were being wounded and killed during operations. He said: “So the committee of the Red Cross (is) complaining severely its efforts have been hampered, although it is mandated by international humanitarian law and the Geneva Convention.” He went on to say that ICRC officials “have told us none of those seem to be applicable here on the ground because any kind of immunity has not been afforded to them. They have obviously been targeted...” M.B. felt that this was “a particularly egregious example of bias in CBC’s reporting of the conflict between Israel and Hamas...”

Cynthia Kinch, Director of CBC Newsworld, responded, suggesting that M.B. may have misinterpreted what was said. She said that “what Mr. Mohyeldin seems to be saying is that the Red Cross paramedics have become targets – objects of fire – “obviously so, since some six have been killed. ‘Targeted’ used in this way and in this context simply seems to mean they have been shot or shot at...” She agreed with M.B. “to the extent that Mr. Mohyeldin could have made that point in clearer or different language. Indeed, Ms. Hiscox might well have asked him to clarify his remarks on that point.”

Review

My first conclusion was that the statement, “they have obviously been targeted” was Mr. Mohyeldin’s conclusion. He may have based it on statements from the ICRC or United Nations officials, but it seems clear that, in context, he offered it as a statement of fact. The next question was the meaning of ‘targeted.’ While the parsing of ‘targeted’ in Newsworld’s response was undoubtedly accurate as far as it went, I had to fall back on what a reasonable person watching that broadcast

would conclude: not that they had fallen victim to random fire, but that they had been deliberately fired upon despite their vests and other identification. The clip did not meet the standards of CBC journalism. Mr. Mohyeldin needed to offer proof that the claim was true, or the anchor needed to offer context to the statement. However, to say that this fault represented a “venomous attack on Israel” by the CBC did not stand up to scrutiny. It should be noted that Israel barred reporters, including CBC staff, from covering events inside Gaza. I did note that over the course of the invasion, Newsworld made considerable effort to present a wide range of views of the conflict, not the least those of the Israeli government and the IDF.

June 5, 2009

Ken Piller, President, Natural Valley Farms
The National

Ken Piller initially complained about the actions of CBC reporter Mellissa Fung before an item was aired about Natural Valley Farms and the care and treatment of horses on the property. There was an extended exchange of correspondence between Mr. Piller and the producers of The National, dealing with the accusation that the CBC had been paid by an activist group to target Natural Valley Farms.

Review

I found that there certainly was no payment by Animal Angels, the activist group, to the CBC. In fact, while at the farm the CBC and Animal Angels worked separately. At no point did Ms. Fung illegally enter private property. She did enter the farm to ask for an interview, but was turned away by Mr. Piller. She returned to the public road and all shooting by the CBC camera operator took place from public roadways. There appeared to be a legitimate question about the single-deck vs double-deck truck – the one observed from afar unloading approximately forty horses one night. The journalists were not able to see inside the truck, so it well might have been a single-deck trailer, conforming to regulations. However, in all the particulars I could verify, the item was done within the bounds of CBC’s Journalistic Standards and Practices.

June 15, 2009

M.T.
The Current

M.T. complained about the October 7, 2008, edition of *The Current*, when the program carried an interview with Amir Gissin, the Consul General of Israel in Toronto. The interview centered on his efforts to “re-brand” Israel as a tourist destination. The interview was followed by an interview with a woman who M.T. said “had written a book critical of Israel’s policies to its Arab citizens.” He said her comments were “irrelevant to the branding issue and inserted and out of the blue in order to have an opportunity to attack Israel.” M.T. did not appear to have a problem with a third guest, an expert on country branding.

Pam Bertrand, Executive Producer of *The Current*, replied that the program’s host, Anna Maria Tremonti, had questioned Mr. Gissin about the effect of Israel’s relationships with Arabs both in Palestinian territories and within Israel’s borders. She said that the second guest, Israeli writer Susan Nathan, said that she did not “entirely disagree” with Mr. Gissin’s views, but that he had not touched on what she thought were significant issues that might relate to a “rebranding”: “he hasn’t touched on the Israeli Palestinians and the terrible discrimination they suffer...and I don’t accept that you can re-brand the country without first ending the occupation. “

Review

The purpose of an interview program such as *The Current* is to expose a wide range of views, often conflicting. Demanding that the CBC prove the truth or falsity of every subject’s statements would spell the end of intelligent discussion. M.T. appeared to argue that the program itself was biased against Israel by carrying what he thought was an irrelevant segment (the Nathan interview) within the three-interview package. The three interview segments explored a number of aspects of a possible “rebranding” of Israel, as suggested by Mr. Gissin. While the two other interview subjects agreed with Mr. Gissin on the main thrusts of his project, both raised other issues that they felt needed to be addressed. I could find no violation of CBC’s Journalistic Standards and Practices.

June 17, 2009

T.C.

CBCNews.ca

T.C. complained about a story on CBCNews.ca in January, 2009, concerning the federal budget that had recently been presented. He felt that merely quoting the government’s commitment to a 20% reduction in greenhouse gases by 2020 was a “blatant misrepresentation” since no baseline year was mentioned. He pointed out

that it was the government's intention to reduce based on 2006 figures. Other parties had promised similar or higher percentage reductions based on 1990 levels.

Mark Mietkiewicz, the interim Director of Digital Media, CBC News, responded by agreeing that the story should have been more precise. He said that not only would the body of the story be corrected, but that a clarifying note giving the positions of the other parties (including the Green Party) would be appended to the article.

Review

T.C. suggested appropriate context for the story and the programmers acknowledged it and took steps to correct and amplify the material. While the original error was regrettable, the programmers reacted in the best spirit of CBC's Journalistic Standards and Practices.

June 18, 2009

D.U.

The World at Six

D.U. complained about a report by Washington correspondent Michael Colton on January 20, 2009, concerning the inaugural address of Barack Obama as President of the United States. He said that Mr. Colton had "quoted...a passage from Obama which had to do with fairness or justice and, without even taking a breath, continued with a comment along the lines of 'compared to the Bush administration's laxity/disdain/adherence to the law.'" He said that Mr. Obama said no such thing in his speech and that Mr. Colton "appeared clearly to have allowed his feelings about President Bush [to] distort his reporting of the facts..."

Jane Anido, Director of CBC Radio News Programming, replied that D.U. may have misheard or misunderstood what was said. She quoted Mr. Colton as saying: "He didn't dwell on race or the fact that he is America's first Black President, but his few words on race were sharp as he recalled those who endured, as he put it, the last of the whip. In all he spoke little of himself, said much to and about his nation. And to the world at large, he promised that America would lead once more with a clean break from the Bush Administration's loose respect for the law." She said that "seen in context, I think Mr. Colton's comments are distinguishable from the words he quoted from Mr. Obama's speech. She did not address directly the charge that the term she quoted, "loose respect for the law" was, in effect, an assertion of fact by Mr. Colton.

Review

Careful language and appropriate context are two of the most important aspects of good journalism. Curiously, both D.U. and Ms. Anido appeared to have come up with incorrect language. Mr. Colton did not say “loose respect for the law,” but “loose interpretation of the law” – quite a different thing. As a close follower of U.S. politics, it seemed clear that even commentators friendly to Mr. Bush might agree that he and his administration at various moments had sought to provide the widest possible interpretation of various laws, whether the Geneva Conventions or U.S. measures on the treatment of prisoners. The administration would argue that they were entitled (indeed, compelled, from their point of view) to make the interpretations they did. Others would argue the contrary. It was clear to me that Mr. Colton was supplying context before and after each “clip” of Mr. Obama. It is a reasonable exercise of journalistic judgment to offer listeners a sense of Mr. Obama’s underlying message. I found no violation of CBC’s Journalistic Standards and Practices.

June 22, 2009

S.O.

The National

S.O. was “ashamed” that CBC ran a clip of Stéphane Dion’s appearance on a CTV program in Halifax in which he had difficulty understanding the question posed by the program’s host and asked to start again. After Conservative leader Stephen Harper made an issue of the broadcast late in the day, The National carried a story about it, including a clip from the broadcast.

The then-interim Publisher of CBC News, Jennifer McGuire, responded that “CBC News has a responsibility to broadcast stories that are significant, to present them fairly and accurately, affording Canadians the opportunity and the information they need to make up their own minds about the story’s nature and the quality of the views expressed.”

Review

The choice for the CBC after the broadcast and after Mr. Harper played the tape and made it an “issue” was whether it could ignore the tape. It could not readily ignore the story – the erstwhile Prime Minister had made it an issue – but could it ignore the underlying matter on which Mr. Harper based his case? A story reporting on Mr. Harper’s view that Mr. Dion was not up to the task of being Prime Minister (presumably because of his difficulty in understanding the

question) would have been almost incomprehensible without the illustrative material. The programmers decided to run the material to put the matter in context. S.O. felt that airing the item did irreparable harm to Mr. Dion. However, her statement that the Conservative and Liberal poll numbers “reversed” immediately thereafter did not hold up under examination. In fact, Mr. Dion’s poll numbers stayed rather steady – some up marginally, some down marginally. One could argue that journalists could ignore Mr. Harper’s comments and the interview segment, but I do not know anyone involved in the craft of journalism who would make that case. Mr. Harper’s view, in the middle of an election campaign, was “news” and the only way to understand that news was to see the clip. There was no violation of CBC’s Journalistic Standards and Practices.

June 25, 2009

G.H.

The National

G. H. complained about a story on The National concerning a raft of bicycle thefts in Vancouver. In the course of the story, the reporter and producer left a bike at a busy downtown location, known for being a prime target for bicycle thieves. Then they waited with a hidden camera to see what would happen. A young man cut the lock on the bike and began to leave the scene. The reporter and crew approached him and told him that they had recorded the theft. The man, named Kevin, proceeded to answer questions from reporter Duncan McCue, saying that he had a drug problem and was unable to get into a rehabilitation program. G.H. objected to “the footage of the reporter’s interrogation (not interview) of the bicycle thief...The person deserved compassion and treatment, not exploitation by our national broadcaster...Broadcasting this footage, it seems to me, crossed an ethical line.”

Mark Harrison, acting Executive Producer of The National, responded that “Had the segment ended when Kevin snipped the lock it would have made the point about the ease and frequency of bike theft but said nothing about the reasons some people steal bikes. By including a relatively lengthy segment with Kevin, the interview did what you suggested it should. It gave him a face, it showcased his sickness, his vulnerability and his desperation in a way viewers would otherwise not have seen.”

Review

Did Kevin, as a citizen, have a reasonable expectation of privacy in this case? I think the answer is clearly ‘no’. Committing an offense on one of the busiest

streets in Vancouver would not summon up that expectation. My examination showed that the journalists involved tried to balance the clarity of the story against the perception that Kevin had to be protected from himself. They concluded that Kevin knew he was being interviewed for television, agreed by his actions to continue the interview and concluded it on his own terms. The default position for journalists is often the “public’s right to know.” Those involved clearly felt that, after discussion, the item met the appropriate tests and should be broadcast. I could find no direct violation of policy in that judgment. However, in the course of my work I observed footage taken by a concealed camera of a man in another city selling a prohibited substance to a reporter. The face of the man doing the selling was concealed through pixilation. It seems that there may not be a unanimity of approach within the News Service. The pixilation did not detract from the very forceful point being made. I suspect that the main points of the bicycle theft story would also have been clear and forceful without a clear image of Kevin. While I appreciate the care the producers took, it might have been appropriate to consider more deeply the ethics of using an image of someone who, while cooperating, was clearly “strung out” – as he himself effectively conceded.

July 7, 2009

M.K.

The National

M. K. complained about a brief story on The National on September 17, 2008, that said that in 2008 “ice coverage shrank to the second-lowest level since experts started tracking it.” M.K. said that The National had “misreported” the data and “twisted” the story; that, in fact, there was “more ice than the previous year.”

The then acting Executive Producer, Mark Harrison, responded, saying that the source of the story, the National Snow and Ice Data Center, had described the satellite survey information in the same way as the CBC story. He pointed to information that appeared to show that the “strong negative trend in summertime ice extent characterizing the past decade continues.”

Review

While M.K. was correct that the 2008 data showed an increase in Arctic ice, the major sources of scientific data characterize the increase in the same way that The National did. In my research I discovered more recent data from scientists in Canada and Greenland that substantiated the notion that the small increase the previous year was not a “positive” development. It appeared that The National had a solid basis for its brief story and was correct to put the slight increase in

2008 in context. There was no violation of CBC's Journalistic Standards and Practices.

July 8, 2009

R.T.

Election 2008

R.T. complained about a segment carried on CBC Newsworld and on Here and Now in St. John's, Newfoundland in October, 2008. The item showed actor/comedian Mary Walsh, in the guise of one of her characters, voicing frustration with what some members of the arts community felt were cuts to funding for the arts. Ms. Walsh, as Marg Delahunty, mocked Stephen Harper by throwing his now-famous blue sweater and a picture of Mr. Harper on to a bonfire. R.T. felt that the segment was a "vicious attack ad" rather than political commentary and suggested there was a lack of balance in the coverage.

Cynthia Kinch, Director of CBC Newsworld, responded that the item was, indeed, satirical political commentary as part of CBC's "comprehensive election coverage."

Review

The CBC is obligated by policy and mandate to provide as broad coverage as possible of all aspects of election campaigns. The Conservative Party's statements on arts funding were clearly a significant factor in the campaign. Had the segment been the only treatment of the arts debate, it would surely have been a violation of policy. However, my observation of the campaign coverage, and the studies done of that coverage by ERIN Research, confirmed that, overall, the coverage was balanced and fair to all the major parties. R.T. may not have liked what Ms. Walsh had to say, or the way she said it, but in the cut and thrust of a political campaign there will be events on all sides that cause discomfort to some. There was no violation of CBC's Journalistic Standards and Practices.

July 8, 2009

Susan Antler, Canadian Household Battery Association
Marketplace

Susan Antler complained about “Batteries Not Included,” a report about battery recycling on the October 31, 2007 edition of Marketplace. She felt that the program had “already made up its mind” before interviews were carried out; that it was “blatant bashing and biased story telling”; that insufficient attention was given to the industry position; that an interview with her “quickly escalated into confrontation”; and that the program failed to focus on the “integrity” of an Environment Canada study about battery recycling.

F.M. Morrison, the program’s Executive Producer at the time, responded. She said that the focus of the story was that only a small fraction of batteries are recycled. The program suggested we should be able to do better than that with, she said, “a more effective recycling program.”

Review

I noted that most of Ms. Antler’s complaints did not deal with specific factual error, but rather with emphasis and attitude. One of the basic requirements of fairness and balance is that people be given an appropriate amount of time to state their case. Ms. Antler appeared to have had the time to make her case. I found the reporter’s narrative of the story to have been done in a fairly “upbeat” tone and her “tonality” in saying that “Susan Antler is still here” did not strike me as mocking; merely that Ms. Antler had been a consistent thread in the then ten year old program. Overall, “Batteries Not Included” was a useful insight into the topic of battery recycling and did not violate CBC’s Journalistic Standards and Practices.

July 10, 2009

Annie Péloquin, Public Relations Director, Reader’s Digest
Marketplace

Annie Péloquin wrote in February, 2009, to complain about a segment of Marketplace which concerned the Sweepstakes component of Reader’s Digest’s marketing efforts. She had a number of concerns, including: that the program did not “fully (disclose) the intended purpose and context” for a requested interview; that the program arrived unannounced at Reader’s Digest headquarters “contravening their own code of ethics,” and used a “gimmick” in the form of a giant replica cheque; that the title of the program, *How not to win \$500,000*, deliberately misled viewers into believing that the Sweepstakes is not legitimate and that there are no winners. The program responded to Ms. Péloquin’s concerns.

Review

Having viewed the correspondence between Marketplace and Reader's Digest it seemed clear that Marketplace had followed policy and standard journalistic practice in pursuing an interview. The subject is free to decline the opportunity of an interview and the journalist may, appropriately, refuse to share questions in advance. It is common practice and good policy that subject areas might be highlighted, but journalists should avoid being tied to a precise list of questions. I found that arriving at Reader's Digest headquarters with a gigantic cheque had no real journalistic purpose but to try to embarrass Reader's Digest for its refusal to have a senior official speak on camera. While an interview would have been the best option for all concerned, particularly for people running an enterprise related to journalism, the organization was free to refuse. I found that this segment was the equivalent of an "empty chair" interview, prohibited by policy. However, the substance of the Marketplace segment was a valid and substantial examination of the Sweepstakes issue. The title of the program was not misleading; it highlighted that buying merchandise was not the path to winning. I recommended that, before re-use, the report be re-edited to conform to policy. (The program removed the segment involving the giant cheque prop.)

July 29, 2009

Dr. Xia Cheng, Director, Canadian Institute of Traditional Chinese Medicine, Calgary, Alberta
CBC News at Six, Calgary and Edmonton

Dr. Cheng complained about an item concerning the Canadian Institute of Traditional Chinese Medicine (CITCM) that appeared on the CBC News at Six in Calgary and Edmonton on February 11, 2009. She said that the report, concerning the on-line courses given by the Institute, contained false and misleading information.

Judy Piercey, Managing Editor at CBC Edmonton, responded, having also spoken with Dr. Cheng on two occasions. She pointed out that there were a couple of errors in relation to the presentation of the story: one, Dr. Cheng had called back before the report aired; and two, a portion of the item was not carried in the Calgary area due to a technical mishap. That portion contained important contextual information about the day students' support for the day program and about the Institute's suspension of the on-line program. She went on to say that she stood by the bulk of the report. She said, in essence, that the item was not about the day school program at CITCM, but about the on-line program.

Review

There were obviously some notable problems with the way the item was handled. It was clearly wrong to have said that Dr. Cheng did not call back. This appeared to be one of those situations where an acceptable piece of journalism had been damaged by both inside and outside forces. Inside: a bald statement that was incorrect; outside: technical faults that created an imbalance in one of the programs' iterations. Ms. Piercey acknowledged the error and the technical mistake and offered to do an update. Dr. Cheng apparently rejected that notion. Since an update, as offered, was the most sensible solution to the problem, I had no further suggestions for a remedy, outside of suitable supervision of reporters who make incorrect statements.

July 30, 2009

The Current

The Office of the Ombudsman received about 80 complaints following an interview with Peter Balakian, an Armenian-American author and professor, on The Current on May 28, 2009. Mr. Balakian authored a translated memoir written by his great-great uncle Grigoris Balakian, an Armenian priest who witnessed and kept a record of the events that occurred in eastern Turkey in 1915. These events involved the ethnic persecution, displacement and murder of Armenian civilians (a historical event accepted by all complainants). The complainants objected to a perceived anti-Turkish tone throughout the interview.

Pam Bertrand, Executive Producer of The Current, responded that while CBC journalists are expected to be factual and accurate in all respects, the same standard does not apply to the subjects of CBC journalism; CBC journalistic policy acknowledges that balance on matters of public controversy may be achieved over a number of programs or period of time; host Anna Maria Tremonti reminded listeners that there is another (Turkish) point of view with regard to the Armenians killed during World War One; and the Turkish point of view would be included on this issue on a future edition of the program.

Review

More care must be taken in researching interviews involving the historical record of past grievances. While the interview was conducted with a high degree of professionalism, the preparation for the interview appeared to be lacking. The powerful story narrated by Professor Balakian clearly engendered a level of sympathy that contrasted with the CBC's own standards of neutrality and journalistic inquiry. While CBC journalists and programs are not required to

prove the truth or falsity of every statement made by a guest, CBC journalists are expected to approach all subjects – especially of a controversial nature – with a sense of informed inquiry and contextualization. A deeper exploration of present day Turkish-Armenian relations would be a powerful remediation and logical next step after the Balakian interview.

August 11, 2009

A.A. and two others

This office received 62 complaints concerning the use of the term “swine flu.” A number of people wrote individual complaints while a substantial number sent form letters protesting against the usage. Some correspondents said the term was inaccurate. One said that “neither the virus nor the illness have anything to do with swine...” Most suggested H1N1.

Esther Enkin, Executive Editor of CBC News, replied that the News Service would continue using the phrase “swine flu” on the grounds of clarity and accuracy. She pointed out that there are a number of strains of A-H1N1 (the overall descriptor for these types of flu strains); that in fact there was another strain this year (Brisbane) that had different characteristics than “swine flu” and was resistant to some of the drugs used to treat the latter. She also said that it was important to remind people that one could not get the flu from eating pork.

Review

According to various disease authorities “swine flu” is both an accurate and, by and large, a fair description of the influenza, more precise, scientifically, than A-H1N1. That being said, it would not be inaccurate to refer to the strain by its emerging title: novel H1N1 2009. The question then becomes one of style – something to be judged by the editors: what term is best to use for ease of understanding and in fairness to all concerned. Listeners, by and large, remember the condition as “swine flu.” People actively engaged in the swine industry understandably would wish to avoid the label. In years past, editors have been satisfied with names such as “Hong Kong” and “Spanish,” as well as “avian.” So, from a layman’s point of view, it is clear that there is not an absolute standard requiring the genetic history of the influenza to be flagged in its name. Editors do have a choice of several appellations, all of which would accurately signal the flu’s origin.

August 12, 2009

C.B

The Fifth Estate

C.B. complained about “The Lady Vanishes,” a report by The Fifth Estate which aired in November, 2007. The Fifth Estate set out to follow up on Sandy Munroe’s heart-wrenching complaint that someone had kidnapped his wife, Heli Munroe, who suffered from Alzheimer’s disease. In the course of their research, other elements seized their attention and drew the program in a different direction. C.B. made a number of assertions in her complaint, including: failure to talk with people suggested by C.B. and/or Sandy Munroe; improper use of “private” video; failure to talk with lawyers for Mr. Munroe, or with a knowledge of proceedings involving Mr. Munroe and Heli; improper checking of the bona fides of interview subjects such as son Rory Munroe.

David Studer, Executive Producer of The Fifth Estate, made a substantial reply.

Review

It was difficult to deal with this matter due to the lengthy, repetitive and often contradictory statements in the complaint. I tried to deal with it solely on journalistic grounds: Was the issue one of public importance? Mr. Munroe himself brought it to full public attention. Did the Fifth Estate give appropriate parties the ability to respond to questions raised? Mr. Munroe was interviewed extensively and appropriate clips were used to illustrate his positions. Did the Fifth Estate handle what was obviously a difficult and emotional story within CBC guidelines? The answer to that is “yes.” As Mr. Studer said, the program was not an exposition on the disease, but the lessons to be learned from various responses to it as illustrated by the issues that Mr. Munroe himself brought to the public’s attention. I found no violation of CBC’s journalistic policy.

September 23, 2009

Mike Fegelman, Executive Director, HonestReporting Canada, and two other complainants

The Sunday Edition

Mike Fegelman and others complained about the short play, “Seven Jewish Children: A Play for Gaza,” which was broadcast on The Sunday Edition on May 3, 2009. They felt that the play was hateful and anti-Semitic and that it should not have been broadcast on the CBC.

Marjorie Nichol, Executive Producer of The Sunday Edition, replied that it was “a play we felt Canadians would be talking about over the coming weeks. And it is for precisely the play’s challenge, difficulty and ability to inspire such a range of strong reaction that we wanted to discuss it on our program.” She also pointed out that the program carried discussion of the play from different perspectives.

Review

Ms. Churchill’s play probably fits within the category of “agit-prop” theatre – designed to provoke and move audiences to some kind of political action. The playwright is an active participant in Palestinian support groups. Some critics have accused her of returning to “blood libels” against Jews. What we actually hear are statements, many contradictory, that Ms. Churchill posits might be uttered by some Israeli parents to their children. Were those statements totally outside the bounds of imagining, the critics might be correct. However, in the course of my job I have received comments not dissimilar to almost every one uttered in the course of the short play. Admittedly, some of the more inflammatory comments undoubtedly represent the views of a small minority, but others appear to have more traction within Israeli society. The point here is that a work of drama is not a work of journalism, although it can be the starting point for a journalistic discussion. While the play implicitly attacks certain attitudes within the Israeli population, its broadcast within a journalistic format that allowed for elaboration and discussion was within the bounds of CBC’s Journalistic Standards and Practices.

October 8, 2009

R.S.

CBC Radio 1 Toronto

R.S. complained that “the gender bias issue at CBC Radio 1 in Toronto...has not been adequately addressed.” He said that programs “clearly misrepresent the dangers when reporting women as victims and men as perpetrators.”

Esther Enkin, Executive Editor of CBC News, agreed that men and women should be treated “equitably” but went on to say “that does not mean that both men and women must be referred to in every story we broadcast.”

Review

The most complete information about the extent of spousal abuse in Canada comes from the 1999 General Social Survey on Victimization (GSS). This victimization

survey asked almost 26,000 women and men in Canada about their experiences of abuse including experiences of violence and emotional abuse in the current or previous marriages and common law partnerships. According to the GSS, women and men experience similar rates of both violence and emotional abuse in their relationships. The survey found, however, that the violence experienced by women tended to be more severe – and more often repeated – than the violence directed at men. Some researchers have noted that the survey also found that women experience higher levels of certain types of emotional abuse. Homicide data reveals that women are also at higher risk of being killed by their husbands. While it is correct that CBC News should not ignore the subject of violence against men, it is not inappropriate to highlight the substantially increased danger that women face in those circumstances. There was no violation of CBC’s Journalistic Standards and Practices.

October 26, 2009

J.W.

News

J.W. complained that the CBC frequently characterizes certain groups as “left-wing” while not doing the same for groups she suggested are on the right.

Esther Enkin, the then-acting Editor in Chief of CBC News, responded that the example J.W. cited notwithstanding, for some time it has been the News Department’s internal policy not to use phrases like “right-wing” and “left-wing.” She said she would remind editors of that policy.

Review

From a substantial sampling of material from CBC.ca and from National TV News, I determined that CBC journalists do not universally or consistently characterize “think-tanks” of any persuasion. However, there is a general failure to provide useful context when reporting studies done by a range of organizations. I would suggest that CBC News revisit its internal “style” policies to see if some useful shorthand might be developed to characterize a think tank’s location on the Canadian political compass perhaps through the nature of their funding, their stated purpose or general tone of their reports.

October 26, 2009

L.M.

News

L.M. complained that the CBC did not categorize the group Democracy Watch as a “left-wing activist group.” He said that the “CBC is always sure to alert readers when right-wing groups advocate public policies...”

Review

See the review of J.W.’s complaint, also October 26, 2009.

October 30, 2009

R.L.

The National

R.L. complained about a report by Terry Milewski on The National on August 27, 2008, concerning the views of some Israelis about Iran and the views of Iranians in Israel. He said that Mr. Milewski drew from sources that were “mostly, if not exclusively Israeli” and that he “made such a compelling case for a preventive Israeli attack on Iran’s nuclear installations that it could be used verbatim (as justification) to carry out such an attack.”

Mark Harrison, Executive Producer of The National, said that the item was “narrowly focused” on the debate within Israel over what to do about the threat that Israel sees from Iran. He said that policy did not require that any statement that might be interpreted as critical of Iran be balanced with an approving voice. He said that balance for an issue like this required an assessment of coverage over a period of time.

When R.L. requested a review he added an objection to the introduction to the report, which said “...many think that the West is not taking Iran’s nuclear ambitions seriously enough, including Israel, which hasn’t forgotten Iran’s threat to wipe it off the map. It is preparing for the worst.” R.L. argued that “many think” was merely cover for personal opinion and that the translation of Prime Minister Mahmoud Ahmadinejad’s words to imply the necessity of a military attack to wipe Israel from the map was faulty.

Review

Mr. Milewski’s brief description of the Prime Minister’s clearly stated views was certainly an appropriate citation. However, I did agree that Mr. Ahmadinejad’s exact intentions in relation to Israel’s continued existence are less clear. It would

have been more accurate for Mr. Milewski to attribute that comment to those who believe that is what the Prime Minister meant.

November 4, 2009

A.H.

CBC News: Around the World and CBC News Alberta

A.H. complained that insufficient coverage was given to some of the demonstrations marking the arrival of former U.S. President George W. Bush in Calgary in March, 2009, where he delivered his first post-election speech. Many protestors were voicing their opinions about the wars in Afghanistan and Iraq and George Bush's role in them. A.H.'s group alleged that former President Bush had committed war crimes and that he should be arrested by Canadian authorities. He also complained that the CBC failed to properly cover the arrest of an activist named Splitting the Sky.

Review

I reviewed the CBC reports of the day of the Bush speech, radio, television and web. All prominently mentioned the demonstrations and gave fair coverage to the reasons for them. A representative of the Canadian Peace Alliance was interviewed at some length on CBC Newsworld. The protestors were mainly near the front entrance to the facility; that entrance is approximately a half city block from the location of the police vans and the CBC's "live" location. The CBC had several crews on hand, but evidently not when Splitting the Sky chose to make his demonstration. CBC journalists were required to follow multiple story lines and were forced to move down the street to reach the feed point and "live" location. I could find no violations of CBC's Journalistic Standards and Practices.

November 5, 2009

S.C.

Radio News

S.C. objected to CBC Radio using the phrase "separation barrier" and citing the Israeli rationale of preventing suicide bombing.

Esther Enkin, Executive Editor of CBC News, pointed out the difficulty of finding the "right" word to use; that the CBC generally stayed with "barrier" or "wall."

From time to time, some reporters reference the official explanation from the Israelis for building – to prevent suicide bombings.

Review

I have had occasion to monitor CBC's coverage of the barrier. Over time, the journalists have made considerable effort to use neutral language. In some longer items, I have noted that journalists have, from time to time, referenced Israel's stated reason for its creation. I have also heard stories from the Palestinian or Israeli Arab communities giving different views of the wall. S.C. may disagree with Israel's stated intention, but that does not erase the fact that it is Israel's explanation. However, journalists should attribute that view. The single item in question, a report during the Pope's visit to the Middle East, should have contained attribution to the Israeli government.

November 5, 2009

S.C.

Radio News

S.C. took issue with CBC's decision to carry a story concerning Hamas's pursuit of a woman for "un-Islamic" behavior while it did not cover what she felt was a significant story about the seizure of a ship with relief supplies.

Esther Enkin, Executive Editor of CBC News, said that the Hamas story was certainly a valid story of interest. She did not address the subject of the other story.

Review

It is never easy deciding which stories to cover and which to put aside. Generally speaking, the Ombudsman tries to avoid second-guessing honest news judgment. If a pattern were clearly established that showed a lack of balance or demonstrable unfairness, I would have to note that. However, when one story is overlooked out of dozens available on any given day and there is clear effort over a reasonable period of time to provide balanced coverage, I can only find in favour of the programmers.

November 10, 2009

D.W.

Radio News

D.W. objected to a radio report about an attack in Afghanistan that mentioned that the attack occurred “in an area ‘infested’ with Taliban... The use of language that dehumanizes the ‘enemy’ has a long history...” He said he was “appalled that the CBC would broadcast such blatant propaganda and incitement to hatred, regardless of how one feels about the target group.”

Esther Enkin, Executive Editor of CBC News, agreed that the language was inappropriate and should not have been used.

Review

I found, as Ms. Enkin noted, that the reference was inappropriate. The producer in charge acknowledged that the reference should have been caught in the editing process. The usually sound freelance reporter who did the item was advised of News management’s concerns. While mistakes should not happen, in an organization composed of human beings they occasionally do. It appeared that senior news programmers acted appropriately in this matter.

November 18, 2009

T.H.

CBCNews.ca

T.H. complained about the use of polling data in CBC News programming. He felt the results were inaccurate because the sample of Canadians surveyed was not randomly chosen. “There are two reasons the sample was not random,” he wrote. “First, polling companies draw their ‘representative’ sample from telephone lists that do not include mobile phones, even in the face of increasingly widespread and exclusive use of mobile phones; and, second, they draw their sample from a pool of internet users, which may be representative of internet users, but not of Canadians as a whole.”

Esther Enkin, Executive Editor of CBC News, responded that T.H. assumed that one or both of those techniques were used in the survey when they were not. None of the interviews conducted for the surveys reported by the CBC was conducted on the internet. And the telephone survey included both traditional landlines and mobile telephones.

Review

Receiving and publishing public opinion polls based on the best practices of the industry is not a violation of CBC’s Journalistic Standards and Practices. However, extreme care should be taken in presenting the information, always

bearing in mind that polls are not predictive and can be, at times, wildly inaccurate for a number of reasons including methodological error or respondent truthfulness.

November 19, 2009

H.B.

Radio News, New Brunswick

H.B. objected to the use of the term “anti-abortion” in coverage of a demonstration before the New Brunswick Legislature. He said he would be satisfied with a characterization of those who support a woman’s right to choose abortion as “anti-life.”

Mary-Pat Schutta, Program Manager for CBC New Brunswick, and Dan Goodyear, Executive Producer of CBC News in New Brunswick, responded. They wrote: “Anti-abortion is the term CBC uses to describe people who are against abortion. We use this to assign people’s positions, rather than simply using the name of a group...”

Review

H.B. based his view on his moral analysis of the issue and he was perfectly entitled to hold that view. However, a journalist’s description of events must not be guided by personal opinion or a personal moral view, but by neutral and accurate language. While H.B. personally may feel that those who do not share his view are “anti-life,” that would not be a fair – or accurate – description. I know people who are personally opposed to abortion who, however, acknowledge the primacy of the law. Also, they forbear from imposing their personal moral view on others, other than through the normal channels of democratic debate and legislation. The descriptions used for participants in the demonstration, and for those opposing, were consistent with CBC’s Journalistic Standards and Practices.

November 19, 2009

L.D.

CBC Newsworld

L.D. complained about several seconds of video that showed a dead body in a report concerning the recently ended conflict in Sri Lanka in May, 2009. She noted the absence of any warning before the footage was shown, but, even if there had been a warning, she wrote, “The video was exploitative, and had no apparent

relevance to the story of the aftermath of civil war. The dwelling and focus on this single deceased person was macabre...”

Cynthia Kinch, Director of CBC Newsworld, responded. She agreed that viewers should have been warned of the nature of the images. However, she pointed out, the image in question was pertinent to the story since the body was purported to be that of Vellupillai Prabhakaran, the leader of the Tamil insurgency. As noted in the script accompanying the images, the Sri Lankan government said the body was Mr. Prabhakaran while members of the insurgency denied that.

Review

Although the image involved was both shocking and disturbing, it was a central part of the story being told, and therefore there was no violation of CBC’s Journalistic Standards and Practices. As Ms. Kinch said, there should have been a warning.

November 19, 2009

M.G.

The Current

M.G. complained about a letter from a listener that was read on The Current in February, 2009. The letter claimed “that the pro-Israel lobby controls the media.” M.G. said, “this rhetoric is fitting of the Protocols of the Elders of Zion and is clearly anti-Semitic commentary.” The letter was written subsequent to an interview with Tony Burman, Managing Director of Al Jazeera English, who made the point that Al Jazeera English is broadcast in more than 100 countries, including Israel, but not here.

Pam Bertrand, Executive Producer of The Current, disagreed with M.G.’s contention. She said it was the writer’s view, not the program’s and that he appeared to be making colourful, if hyperbolic, reference to the work of lobbying groups in North America.

Review

The letter in question said this: “North America not only has a right to Al Jazeera, but a fundamental need for the network. The filtering system America’s pro-Israel lobby forces on the media is used only to promote Israel’s agenda against people of the Middle East. And anyone opposing the Zionist agenda is seen as anti-Semitic. Thousands of Jewish people in Israel also opposed the atrocities in Gaza. We must learn to distinguish between Judaism and Zionism, networks such as Al

Jazeera help the common person to understand this and should be accepted as an important part of our media.” It would appear that hyperbole was not just the province of the letter-writer. It seemed to me that comparing this forceful if tendentious comment to the hateful Protocols of the Elders of Zion fell into the same category. The letter-writer, as Ms. Bertand noted, may not have expressed his views as clearly as he might have, but he clearly did not say that the Israel lobby “controls” the media, but that they try to “filter” information to serve their interests. That, of course, is the purpose of lobbying. While programmers must always be on guard for material which falls into the category of “hate” speech, the basic principle is the broadcasting of the widest range of views on matters of controversy. There was no violation of CBC’s policies in this broadcast.

November 19, 2009

J.G.

CBCNews.ca

J.G. complained about CBC’s reporting on the use of the phrase “tar baby” by Conservative Member of Parliament Pierre Poilievre. The stories concerned the criticism of M. Poilievre by opposition members for using what they believed was a term with racist undertones.

Rachel Nixon, Director of Digital Media, CBC News, pointed out that the brief story recounted events that took place in the House of Commons and that similar stories were widely carried across the country.

Review

Language changes constantly and a responsible news organization must keep current with how meanings change without falling into a form of political correctness. While “tar baby” may have had its roots in folk tales that were commonly shared, our society has moved on. The phrase is offensive to many and its use should be avoided by CBC journalists. At the same time, CBC journalists should not shrink from reporting statements by public figures. There was no violation in reporting M. Poilievre’s statements. However, editors should ensure that archaic and offensive phrases are not used on CBC platforms.

December 1, 2009

K.W.

The Story from Here

K.W. complained about an item heard on the CBC Radio program, The Story from Here, on November 25, 2009. The item was a repeat of a local item from Nova Scotia containing an interview with two individuals who felt that the RCMP in their area had tried to intimidate them after they put up posters protesting against the Olympic Games.

Sean Prpick, producer of the program, responded with the details of the interview, adding “whether or not you approve of what they had to say, their story was newsworthy and worth presenting to Canadians.” He also pointed to other stories that the program carried referencing more positive aspects of the Olympics and the torch run across the country.

Review

Having listened to the item a couple of times, I could find no statement that “an anti-Olympic group” was “harassed” by the RCMP. In fact, the item’s introduction made reference to “two young activists”; the words “harassed” and “group” did not appear in the item. One of the interview subjects (and not the interviewer in Halifax nor the host in Calgary) said that they felt “intimidated.” They explained the reasons why. K.W. was free to disagree with the editorial judgment of carrying the item, although however numerous or few they may be, people opposed to the Olympics were entitled to at least some airing of their viewpoints. There was no violation of CBC’s Journalistic Standards and Practices.

December 7, 2009

P.L.

Information Morning (CBC Radio, Halifax)

P.L. felt that the juxtaposition of a story about a complaint made to the Nova Scotia Human Rights Commission by a same sex couple against the Queen Elizabeth II Hospital with an interview with another couple was an example of bias against gays. The reason was that the brief and straightforward item on the complaint was followed by a 3 minutes 25 seconds interview in which the second couple said they had little problem living and working as a gay couple in Halifax.

Andrew Cochran, Managing Director for the Maritimes, concluded that the second item – the interview – was “in no way originated, presented or in any way meant to be, a rebuttal or criticism of the allegations... (although) your perception may differ from our intent.” He said that the items themselves were not “biased, misleading, unbalanced, lacking in integrity or fairness.”

Review

In this case it was clear to me that the journalists involved did not set out to create a false debate or use one item as a rebuttal of the other. However, I am constantly reminded of the quote attributed to Edward R. Murrow: “The only thing that counts is what comes over the loudspeaker.” What came over the “loudspeaker” on that particular day was a brief item on a Human Rights complaint followed by a substantial interview that appeared to rebut those concerns. I acknowledge that was not the intent, but, to these ears, that was the result. The juxtaposition of those two items did not meet the test of fairness. However, the obvious, on-going commitment of the station to explore aspects of the issue were well within the spirit and letter of CBC’s Journalistic Standards and Practices.

December 9, 2009

L.T. and A.& Z.V.
CBC News

L.T. and A.& Z.V. complained about what they saw as a lack of coverage of the March for Life in Ottawa on May 14, 2009.

Esther Enkin, Executive Editor of CBC News, replied that the CBC did not ignore the March for Life; it was on several radio and television news broadcasts. “It is natural,” she wrote, “that those who participate in public demonstrations in support of a particular cause may well be disappointed that the media did not cover the event to the extent they would have liked or thought appropriate.”

Review

Although there was not extensive coverage of the March for Life on CBC outlets, there was indeed coverage, as there has been regularly in various locations. I noted that on CBC Television alone in the last five years there has been coverage in some form of each Ottawa march, and a number of marches across the country as well. I could find no violation of CBC policy.

December 16, 2009

F.Z.
CBCNews.ca

F.A. complained that the treatment given two stories reflected bias by CBC News. One story, on June 22, 2009, concerned statements by President Nicolas Sarkozy

of France about burkas not being welcome. The other, first posted on CBC.ca on July 7, 2009, reported on the circumstances surrounding the murder of a pregnant Muslim woman in a court in Dresden, Germany. A second story on this matter appeared the following day. F.A. said that the Sarkozy story was on “the front page” while the other story was “(buried)...in the back pages.”

Rachel Nixon, Director of Digital Media for CBC News, “did not see anything in our handling of these stories that suggests the ‘bias’ you see.”

Review

As Ms. Nixon explained, the Dresden case was not immediately picked up by the world’s press. In fact, its low-key treatment within Germany actually provoked wider coverage when many Egyptians complained about the murder of its citizen, Marwa Al-Sherbini, and what they felt was a lack of response by Germans to the events. I noted Ms. Nixon’s explanation that even stories that begin on the “front page” of CBCNews.ca do not stay there for long, but are superceded by other stories. Given the volume of material that editors must deal with, very few stories reach the “top” of the queue, but are carried as headlines below. It appeared to me that, once seized of the Dresden story, editors handled it in an appropriate manner, ensuring that appropriate background and space was given to those most upset by the events. They also ensured that there was follow-up on the conviction and sentencing of the murderer. Editors exercised reasonable news judgment in the handling of the two stories and no bias was evident in their treatment.

December 16, 2009

D.R.

ReVision Quest (CBC Radio)

D.R. complained that the summer series, ReVision Quest, was “overtly racist.” He said, “what other peoples in Canada would have its horrendous history as victims of genocide and colonialism minimized and ridiculed overtly on national radio?”

Chris Straw, the manager of CBC Radio’s In-house Program Development, responded that “the team that puts together ReVision Quest takes great care in crafting episodes that offer what they believe to be a balance of history, comedy, currency and insight into issues facing Aboriginal peoples... our production team...consists primarily of programmers of First Nations (descent) and the majority of episodes are overseen by First Nations producers.”

Review

ReVision Quest could best be described as a hybrid program – a combination of various elements. It is not purely information, but information and personal perspective framed by the humour of its host, First Nations comedian Darrell Dennis. However, since it is information based, it does fall generally under the ambit of CBC’s Journalistic Standards and Practices. It should be understood, though, that the satiric elements of the program placed it in a rather unique spot. Certain styles of comedy are not to everyone’s taste. It is always difficult to judge what is offensive to a particular group when you are not part of that group. But civilized discourse argues that you have to try. As a non-Aboriginal person I found the programs interesting and informative. The mail to the program was overwhelmingly positive. Not a single respondent, other than D.R., found the program “racist.” There was no violation of CBC’s Journalistic Standards and Practices.

January 5, 2010

B.B.

The National

B.B. complained about an item on The National concerning the use of herbal remedies for flu symptoms, writing that “...for something which is literally life-and-death your news editors presented this unadulterated baloney as if it had equal status with professional medicine, which it certainly does not.”

Mark Harrison, Executive Producer of The National, responded that “the effectiveness of herbal medicines in treating certain conditions seems to be widely accepted.” He pointed to a number of common and effective remedies that began as herbal remedies. He also pointed out that under CBC policies and the Broadcasting Act, CBC News is expected to carry a wide range of views on matters of public interest.

Review

B.B. may have been comfortable declaring that all herbal medicine is, basically, shamanism. However, few medical practitioners I am familiar with would rule out all herbals in that way. In the story at issue I did find that the reporter was not overly skeptical in dealing with his sources. The item was a relatively straightforward recitation of what the “traditional healer” believed. I noted that in the final paragraph of the story, the reporter noted that “Woods (the “traditional healer”) says people can stay healthy with a good balance of traditional and Western medicines, but until there’s a vaccine, he’s going to make sure there’s

enough of this remedy for his community and he wants to make it available to everyone.” It seemed to me that modest if flawed reportage on the traditional practices of First Nations people within a sea of stories on AH1N1 flu and its vaccine did not equate with an endorsement of shamanism. B.B. may never have used herbal treatments to effect, but many others have. His point would have been valid if there were an apparent endorsement of such methods instead of scientifically based treatments, but, as the reporter noted, even the “traditional healer” endorsed a mixture of traditional and “Western” methods of treatment. While the reporter could have crafted a more probing item, its faults did not rise to the level of violation of policy.

January 6, 2010

W.M.

Radio & TV News, St. John’s

W.M. complained about CBC St. John’s coverage of a tragic bike accident, which he felt was “sensationalist.”

Janice Stein, News Director of Newfoundland and Labrador, found the stories to be “factual and restrained in their reporting of a very sad and, as yet, unexplained event.”

Review

W.M. took particular exception to the notion that the cyclist “rode his bike into the back of a (truck)...” a formulation used in two of the 15 separate stories carried in the immediate wake of the collision. He stated that such a reference implied that it may have been a deliberate act. In none of the stories did I garner the impression that the cyclist might have deliberately run into the truck. Each pointed out that the cause of the accident was unknown. While I granted that the best language would have been that the bike “collided” with the truck, I could not conclude that saying he “rode” his bike into the truck violated policy. It did not say he drove it or steered it into the truck, and did not imply direct “agency” in the accident. The CBC tried to give appropriate context to the story, including the notion that further investigation was still called for. There was no violation of CBC News Journalistic Standards and Practices.

January 6, 2010

B.H.

Radio & TV News

B.H. suggested that CBC journalists regularly offer a “subjective” view in the presentation of economic news. He said that the CBC “continually” presents economic growth (increased GDP) as good and recession (declining GDP) as bad. He noted that there are those who hold the opposite opinion that “economic growth is undesirable and that a negative growth economy is essential for environmental sustainability.”

Esther Enkin, Executive Editor of CBC News, responded that “we expect CBC journalists to report the facts accurately and to elicit comments and opinions from those who are involved in the events they are covering. Given the opportunity and the information they need, Canadians may then reasonably be expected to evaluate the comments, test them against each other and the facts, and make up (their) own minds.”

Review

Policy calls for a range of opinion, while taking into account the weight of that opinion. B.H. may be perfectly comfortable with a shrinking GDP. However, I would suggest that quite a larger body of opinion would support a reasonable growth pattern. Of course, what is “reasonable” is also a matter of considerable debate. B.H.’s subsequent suggestion that the CBC should “advocate” GDP decline and other measures was completely inappropriate. The CBC should not be advocating on contentious issues but, as he otherwise suggested, reporting information clearly with an appropriate range of views. Editors should be reminded, as Ms. Enkin had already done, that information and opinion should be presented as clearly and accurately as possible.

January 8, 2010

S.T.

The National

S.T. complained about a report by Margaret Evans describing two demonstrations that took place at approximately the same time near the border between Israel and Gaza. One group, Israelis, was trying to pass a care package into Gaza for Gilad Shalit, an Israeli soldier being held by Hamas. The other group, Palestinians, wanted packages delivered to some of the people being held in Israeli prisons. S.T. felt that the item drew “a completely false moral equivalence” between the two groups, and between Shalit and the prisoners in Israeli jails.

Mark Harrison, Executive Producer of The National, responded that the item was not about the conditions or the “equivalence” of the two situations, but about the simultaneous demonstrations. He said that “reporters must assume viewers bring with them some basic knowledge of continuing stories, like this one.”

Review

I noted that S.T. did not appear to find fault with what was said in the report, but with what was not said. In his words, “the sole purpose of this story is to misrepresent the conditions in Israeli jails and to draw the false moral equivalence I originally objected to.” Ms. Evans’s report concerned a single event happening that day. From my review of the item, it was accurately reported and drew no moral conclusions from the event. Before that event – and since – there has been further reporting and comment that has included reference to the crimes committed by some of those whose release was being demanded. There was no violation of CBC’s Journalistic Standards and Practices. In fact, Ms. Evans continued her careful and nuanced reporting of events in the region.

January 13, 2010

R.L.

The National

R.L. complained about a report about resolutions discussed at the triennial gathering of the United Church of Canada in August, 2009. The resolutions and accompanying background material had become controversial as they used what some saw as inflammatory language in describing Israel’s relationship to Palestinians and, at another juncture, condemned several Canadian politicians for traveling to Israel. One of the resolutions called for a boycott of the State of Israel. R.L. wrote that, in fact, the delegates “did not actually vote on any of those resolutions...as reported in Chris Brown’s piece, deciding instead to defer debate and decision-making on those resolutions until Thursday afternoon...”

Mark Harrison, Executive Producer of The National, said that “the report did, accurately, report that the vote on the proposals had been deferred.” However, he added, “I agree with you in so far as it might have been a little clearer.” He said that the story could have “made a clearer distinction between the background information and the proposals.”

Review

While one can be sympathetic to a reporter struggling to digest and make sense of the cross-currents of discussion, it seemed clear that the language used was less

than clear. While it would not have taken much more time to rephrase the report with more precise language, it also seemed clear that Mr. Brown was not attempting to mislead viewers as to what was going on. I was sure that the discussion of this item had made the point to the reporter, and his editors, of the need for precision in the use of language.

January 15, 2010

B.K.

CBC News Now

B.K. complained that CBC anchor Carol MacNeil, in the course of reporting on the on-going H1N1 story, said of the flu, “It is unpredictable. So in that way, it is a little bit like terrorism...” B.K. wrote that her comment was “so hyperbolic I don’t even know what to say...I would highly recommend instructing your non-expert news anchors to avoid speculating and attempting to increase hysteria in the name of ratings.”

Cynthia Kinch, Director of CBC News Network, replied: “Far from being hyperbolic or alarming, she intended her comment to be reassuring. Other flu epidemics have resulted in widespread mortality... In trying to convey the idea of the flu’s apparently random, infrequent, but potentially serious effects, she suggested some similarity to a terrorist’s attack.” She went on to say, “I agree with you to the extent that it is not a particularly good simile – bolt from the blue, for example – might have better conveyed the idea.” She pointed out that Ms. MacNeil was speaking without benefit of a TelePrompTer or script.

Review

As more and more live coverage is introduced on both television and radio broadcasts an even greater responsibility is placed on anchors to guide audiences – and their fellow journalists – through the potential shoals. There is no doubt that, since human beings are involved, there will be slips along the way. The correction should come almost instantly when the inappropriate formulation slips out. B.K. had already provided a good object lesson in the kind of care we should take of the language. As the same time, I did not feel that a correction at some remove from the event would make much sense to the audience. The phrase used by Ms. MacNeil was not an example of disciplined language. Senior journalists should be bolstering support and feedback for the increasing number of journalists who are doing live reportage.

January 19, 2010

T.W. (and a similar complaint from R.M.)
The National

T.W. complained about a report on a vote on a private member's bill that would eliminate the long-gun registry. He said, among other things, that a visual showing someone handling a firearm was, in effect, "unbalanced" and "offensive" to legal gun owners since the weapon shown was an AR-15 semi-automatic rifle which is restricted and remains so.

Mark Harrison, Executive Producer of The National, responded, acknowledging that the video clip was an inappropriate illustration of the question at issue. However, he said, "I do not believe viewers would be confused by the story. The content and purpose of Bill C-391 was clear from the beginning... (The bill) only applies to non-restricted long-guns. It does not change the registry requirements for restricted weapons (like the one shown)..." He acknowledged that the inclusion of the video clip was "entirely inadvertent."

Review

Mr. Harrison acknowledged that the use of the video clip was an error. He went on to say that viewers would not be confused. However, as one of those "residents of the concrete canyons of Toronto" to which T.W. referred, I had to agree that the story was misleading. Using a restricted weapon as illustration would confuse the ordinary non-gun owner, leading one to believe that the dangerous weapon being shown would not have to be registered under the new law. When I first got into television more than 35 years ago, one of the things I learned – and I have not seen disproven – is that when we, as television journalists, set up a conflict between the eye and the ear, the eye wins. I would have assumed that the weapon being shown fell within the ambit of the story. I have noted occasions where visuals either misled viewers or contradicted what was being said. Senior journalists should ensure that appropriate supervision is exercised over visual presentation, particularly in light of the more intensive use of such material.

January 20, 2010

S.H.
Radio News

S.H. complained of several instances when a CBC journalist made the statement that Iran's President, Mahmoud Ahmadinejad, had "repeatedly called for Israel to

be wiped off the map.” He said that this was an “errant bit of nonsense” already refuted by reputable authorities.

Esther Enkin, Executive Editor of CBC News, replied that while there has been “considerable controversy over what he actually said, what he meant, whether or not his remarks have been accurately translated and whether they constitute an immediate threat,” she felt that “the preponderance of evidence and the consensus fall on the side of the translation included in the CBC story.”

Review

I concluded that Mr. Ahmadinejad’s exact intentions in relation to Israel’s continued existence are not clear and that it would have been more accurate for a CBC journalist to attribute such comment to those who believe that is what the Prime Minister means, rather than stating it as fact. Particularly on such emotional issues, care should be taken to report clearly and carefully within the strictures of CBC’s Journalistic Standards and Practices.

February 4, 2010

John Jules, President & CEO, PJ’s Pets
Marketplace

John Jules complained about an episode of Marketplace, “How Not to Buy a Puppy,” which he felt unfairly targeted PJ’s Pets. The episode examined the history of some of the pets sold in various stores in Canada. He raised a number of specific concerns, including the claim that he and his company were not given sufficient information and time to prepare for a requested interview. He also claimed that some of the information provided came from sources “that were less than credible.”

Tassie Notar, Executive Producer of Marketplace, responded to the specific points that Mr. Jules raised.

Review

After a review of the item and the supporting material held by Marketplace, it appeared that the fact base was solid. The program appeared to have reported accurately on the underlying facts of the cases and attempted to provide some opportunity for countervailing interpretations from Mr. Jules’s company and others. My review of the correspondence indicated that Marketplace provided a reasonable timeframe for an interview. The decision not to appear was Mr. Jules’s. The piece would have been stronger with his presence. The use of the

phrase “gag order” presented problems. Ms. Notar argued that it is an appropriate colloquial phrase. CBC’s policies and the Canadian Press Style Book are silent on the usage, but I found some careful thought in the New York Times Manual of Style and Usage. It says: “gag order, gag rule. Though lawyers consider the terms merely factual, their effect in news columns is pejorative. Except in direct quotations or texts, paraphrase them...” I would have preferred an alternative usage to “gag order,” but its use in context did not rise to a violation of policy.

February 5, 2010

T.A., C.G., J.S.

Radio and TV News

We received 82 complaints concerning the absence/delayed coverage of the story concerning e-mail traffic in the University of East Anglia’s Climate Research Unit. Many saw a conspiracy among those who support the theory of Anthropomorphic Global Warming (AGW) to keep the revelations under wraps. Many also claimed that the “hacked” e-mails completely undermined the basis for accepting that theory.

Esther Enkin, Executive Editor of CBC News, said the explanation was a lapse in assessing the value of the story which essentially broke over the weekend. She pointed out that a number of high-profile mainstream media outlets found themselves in the same predicament. She went on to explain how CBC News responded once the story’s significance became relevant.

Review

The slow up-take on the story was a serious lapse in performance by CBC News. The fact that other major outlets were slow was noteworthy, but not an excuse for the CBC. Appropriate steps should be taken to ensure that events that originally occur at odd times or weekends can be properly assessed and covered.

February 10, 2010

Anonymous

The National

In June, 2009, The National ran an item about wedding planning. A wedding in a church was taped for the item. The church organist complained that the reporter

had not sought proper permission to film in the church and used some of the audio recording of the organ music in spite of requests that it not be used.

Review

The issue seemed to be whether the reporter did her best to obtain permission appropriate to a news item. It would appear to most lay people that someone presiding at a ceremony would have been, to some degree, deputized by authorities. People pay for the privilege of being married at a church and, as the pastor acknowledged, the ceremony was public. The fact that the organist was not told until shortly before the service began was regrettable, but the average person listening to and watching the item would not have thought the music was somehow below standard. In any event, the presence of less than 20 seconds of music, and some of that under commentary, would not provide a basis for judgment. In addition, neither the church nor the organist was identified. Three CBC staff apologized for any perceived offense. I was at a loss to suggest any further action.

March 4, 2010

M.L.

The Current

M.L. complained about two items on The Current in October, 2009. The first discussed what questions were pertinent to ask of “new” Canadians, this as a result of controversy surrounding the decision of Canadian officials to prevent Suaad Hagi Mohamud from returning to the country. The second item was sparked by the interception off the coast of British Columbia of a ship carrying 76 men, believed to be Tamils from Sri Lanka. The segment was not about that ship, but about other prominent cases of ostensible refugees arriving by boat. M.L. complained that the segments lacked “balance,” that The Current failed “to afford equal treatment to the issues in matters of public debate.”

Aaron Brindle, acting Executive Producer of The Current, replied. He said that “while the panelists agreed there were many such (cultural) differences that might confound new immigrants to Canada, their views about what to do about it were far from unanimous.” Concerning the second item, Mr. Brindle said that while there were five different people interviewed in the segment, “there are many other points of view...and I fully expect we will hear more of them over the coming weeks and months.” He also pointed out that the concept of “balance” does not mean strict equivalency.

Review

I noted the good intention of the producers of the first segment in attempting to build a panel of divergent views. However, the presence of two guests of essentially identical views and a third who joined the other two at various points undermined the appropriate balance that policy would require. The fact that the guest host essentially joined the discussion on one side underlined the imbalance. In the second program, an intelligent and well presented menu of items about the experience of potential refugees by ship was undermined by the absence of genuine debate over future policy that seemed to be called for after the effective presentation of background material. The presence of some countervailing views saved the item from being in violation of policy, particularly in light of the producer's statement that they would be returning to the subject.

March 10, 2010

Hon. Danny Williams, Premier of Newfoundland and Labrador

Premier Danny Williams complained about a statement made by Peter Gullage, Executive Producer of CBC News in Newfoundland and Labrador, in the course of a column written for the National Post on February 4, 2009. In the column he wrote: *"Trying to get someone to talk openly and freely from the business community, and from inside the government, is tougher than previous times. People have a fear that Danny will find out. That sounds kind of like a Beijing sort of thing, but it's there, and our reporters have come across it."*

Subsequently, Mr. Gullage apologized for those remarks, claiming that his comments were "impromptu, hyperbolic, and, I believed, so wildly overdrawn that there would be little chance it could be understood as anything more than what it was intended to be: humorous and colourful." Jennifer McGuire, at the time the Interim Publisher of CBC News, also wrote: "I sincerely regret that you were offended." I mistakenly believed that the matter had been settled.

Review

Making the observation that reporters have found it difficult to get people to speak on the record is not a violation of policy. As a long-time reporter and now Executive Producer, Mr. Gullage would be seen as someone who is able to make judgments on the affairs of the day. While I appreciated that Mr. Gullage did not mean his reference to Beijing to be taken literally, nor did I think any reasonable member of the audience would do so, hyperbole is always a risky tool for journalists to employ. In this case, in my view, it was both unfair and unreasonable to compare Mr. Williams's government, in the lively world of

Newfoundland politics, with that of an autocracy. It appeared to me that the CBC and Mr. Gullage took appropriate action in the wake of his inappropriate metaphor.

March 10, 2010

Paul Michaels, Director of Communications, Canada-Israel Committee
As It Happens

Paul Michaels complained about the treatment of the issues of alleged war crimes during the Gaza incursion. The stories at issue related to claims by a group called Human Rights Watch that Israel had committed specific “war crimes” during its invasion of Gaza, and a report issued by Judge Richard Goldstone, the Head of the United Nations Fact-Finding Mission on the Gaza Conflict, on the question of whether war crimes had been committed by either side during the conflict. Judge Goldstone reported that “war crimes” were committed by both sides in the conflict, although the bulk of the attention was on the actions of Israel. Mr. Michaels complained that two interviews were done with representatives of Human Rights Watch and one with Judge Goldstone, but that none of the interviews, conducted in July, August and September, 2009, was balanced with anyone from the Israeli government.

Lynda Shorten, Executive Producer of As It Happens, responded that it was not incumbent to balance within a single program but that balance could be achieved over time. She listed the items dealing with Israel and the Middle East over the course of a year.

Review

Ms. Shorten was undoubtedly correct that there is no requirement to immediately balance within one edition of As It Happens. However, I thought it fair to say that on a subject as fraught with controversy as this, most listeners would have found it appropriate to hear a reflection of Israel’s position sometime in the aftermath of the report’s release. I noted that over the course of the year, As It Happens sought out all manner of viewpoints on events in the Middle East. It did not appear that there was a deliberate effort to keep official (or unofficial) Israeli viewpoints from being aired. It was a clear violation of the intent of the policy on context and balance to not carry an interview with someone from the Israeli government, or someone who could credibly reflect its view on the subject of alleged war crimes.

March 22, 2010

C.C.

The National

C.C. complained about an item on The National in which Peter Mansbridge asked Canada's Chief Public Health Officer, Dr. David Butler-Jones, "what can you say to calm the fears..." about the H1N1 outbreak. C.C. said it was a "leading question based on the premise that any fears out there are not justified."

Mark Harrison, Executive Producer of The National, said that the interview followed an item that indicated there were fears among some that there was an insufficient supply of vaccine.

Review

This was a fairly straightforward situation. The public was clearly in a state of anxiety about the possible pandemic outbreak and the perceived problems with the supply of vaccine. I found that C.C.'s claim did not stand up to analysis. The expert guest was free to answer in any way he chose: to deny there was any fear, to dismiss the concerns of those who were fearful, or to offer factual information. He chose the latter. Mr. Mansbridge's question was not "leading," but an opportunity for Canada's chief public health officer to respond on the record to an evident problem and help people deal with the problem. There was no violation of CBC's Journalistic Standards and Practices.

March 26, 2010

V.F., D.M., R.W.

CBC News

Sixty-eight people complained about the lack of coverage of the arrival and deployment of an Israeli emergency medical facility subsequent to the earthquake in Haiti in January, 2010. They felt that this lack of major coverage was a result of bias against Israel.

Esther Enkin, Executive Editor of CBC News, said that in fact the Israeli facility had been mentioned on some CBC newscasts, but that the attention of the journalists on the scene had been focused on the immediate effects on the Haitian population and the Canadian response.

Review

Appropriate note had to be made of the foreign assistance pouring into the country, but it was understandable that a relatively small organization like the CBC would concentrate its resources on telling the story from the Canadian perspective. Frankly, it was somewhat disturbing to see that some were moved to insert international political agendas into a situation in which thousands of people lost their lives and a country was destroyed. I could not conceive that that was in the minds of the IDF or its medical team in deploying so quickly to Haiti. I could not find that journalistic policy mandated that a feature must be done because a British or American service did one. Nor did the absence connote some underlying bias. From a review of the sweep of coverage of the earthquake and its aftermath, it appeared that CBC News provided, within context, appropriate coverage of the events from a Canadian perspective. While one was free to disagree with CBC's news priorities, the coverage given the various aspects of the Haiti disaster did not violate CBC's Journalistic Standards and Practices.

March 30, 2010

The Fifth Estate ("Broken Heroes")

Dr. Rachel Thibeault, Professor, Faculty of Health Sciences, University of Ottawa

Dr. Rachel Thibeault complained about The Fifth Estate's program, "Broken Heroes," an examination of the problem of Post Traumatic Stress Disorder (PTSD)/Operational Stress Injury (OSI) within the Canadian military. She said the program lacked "journalistic integrity" in not highlighting the therapeutic gains that have been made. She said the program had a "tone of hopelessness" and was "to the detriment of truth and of veterans' mental health."

Sally Reardon, Executive Producer of The Fifth Estate, responded. She cited instances in the program where therapies were mentioned, saying that "it is clear from (the) opening remarks that we are going to examine the difficult and complex reality of those who live with PTSD or OSI...as well as what is being accomplished for them..."

Review

Before public support and understanding can become wide-spread, it is necessary to have the nature of the problem laid before us. Each of the men profiled was attempting to deal with his condition with, as noted, the help of therapists and fellow veterans. None of them was out of the woods, but, contrary to Dr. Thibeault's conclusion, I did not find a note of hopelessness, but a note of struggling humanity. The program did point the way to therapeutic measures, although the focus of the piece was on the soldiers themselves. "Broken Heroes"

did not violate any of CBC's Journalistic Standards and Practices within the context of its stated intent.

April 7, 2010

S.F.

CBC.ca

S.F. complained about a column by Tim Wharnsby, a sports columnist with CBC.ca. She said that, in reporting on the rather complicated disputes surrounding the National Hockey League Players Association, he failed to disclose his previous employment with the NHLPA and a relationship with Ian Penney, former Executive Director.

Esther Enkin, Executive Editor of CBC News believed that the coverage was straightforward and honest.

Review

When Mr. Wharnsby was hired as a columnist by CBC.ca, his employment history was well known to his supervisors. In fact, the details of his history were reported on CBC.ca. His supervisors undertook to scrutinize his work carefully to see whether there was any apparent or real skewing of the reporting. In the stories at issue, Mr. Wharnsby, by all accounts an expert in the field, appeared to have reported on the issues in a detailed and straightforward manner. In reading them, it was impossible for me to detect tendentious reporting for any side in the complicated and multi-layered affair of the NHLPA. That being said, it would have been helpful to readers to be reminded that Mr. Wharnsby had been employed by the NHLPA when the substance of the report was directly on that institution.

April 8, 2010

M.B.

The National

M.B. complained about a report on The National of November 8, 2009, in which two people with differing views of the monarchy offered observations during a ceremony in which HRH the Prince of Wales presented new "colours" to a Canadian regiment. One of the men stated that the Canadian "flag" was made subordinate to a Royal "flag." M.B. pointed out that this was incorrect and

suggested that the CBC should either have avoided running this inaccuracy or corrected it in some fashion.

Mark Harrison, Executive Producer of The National, acknowledged that the statement at issue was incorrect but said that it was not CBC News that made the error, but the observer in question. He went on to say that “expecting that we prove the truth or falsity of every statement made by someone included in a story would effectively end the public discussion of controversial issues.

Review

Mr. Harrison was clearly correct in stating that it is not incumbent on the CBC to prove the truth or falsity of every statement made by someone included in a story. However, it is also appropriate that “facts” being offered to support an opinion be tested as far as is reasonable within the format. At issue was not the man’s opinion on the monarchy, but his erroneous description of what was taking place. Since, as Mr. Harrison had pointed out, The National had already carried a story days earlier with correct information, it would appear that ignorance was not a defense. Even if the editors involved were not aware of the previous story or the accurate information, it would have been possible to note the error, when it came to their attention, in an appropriate way on the CBC website. While I am a hearty defender of journalists’ freedom, indeed obligation, to report the widest range of opinions, I find it difficult to agree that journalists have the right to knowingly broadcast inaccurate information without correction.

April 9, 2010

G.B.

Power & Politics

G.B. complained about an interview segment on the November 18, 2009, edition of Power & Politics. Host Evan Solomon led a panel discussion with three Members of Parliament on the general question of the mailing of Conservative Party political flyers. These flyers are known as the so-called “ten percenters” because MPs were permitted to spend 10% of their office expenses on flyers to be sent to voters outside their own constituencies. (Parliament voted to rescind the allocation on March 15, 2010.) G.B.’s specific complaint concerned the title of the segment. Across the bottom of the screen was the phrase: “Conservative Flyer Anti-Semitic?” Conservatives had distributed a flyer, in ridings with large Jewish populations, which implied that Liberals are anti-Semitic.

Review

In this instance, the use of the term “anti-Semitic” in the headline appeared gratuitous and inflammatory since the subsequent discussion among the panel never directly addressed that specific issue. The panelists spent most of their time trying to assert which party was more pro-Israel. Evan Solomon admitted toward the end of the discussion that “the real debate here is on the rules (governing) the ten percenters.” The question of whether the flyer in question was anti-Semitic was never resolved or directly addressed by any of the panel, including the host. G.B. was correct in his assumption that the headline was both misleading and inflammatory. But this phrasing was not, in my opinion, an attempt to discredit the Conservatives. Rather it was simply a dubious way to increase viewer interest in a rather dry subject (Parliamentary funding for flyers) by inserting an emotional issue (anti-Semitism) that simply was not there. The program failed to follow this requirement of CBC’s Journalistic Standards and Practices: *The information conforms with reality and is not in any way misleading or false. This demands not only careful and thorough research but a disciplined use of language and production techniques, including visuals.*

April 13, 2010

R.K.

Radio Active, Edmonton

In the course of a live broadcast which, I gathered, was just prior to the start of the Canada-Germany game at the Olympics, host Mark Scholz engaged in conversation with the program’s traffic reporter, Rod Kurtz, who was doing a remote broadcast from a tavern. In the course of their talk, Mr. Scholz said that Mr. Kurtz should “clock” anyone found drinking a Beck’s beer. It was clear that Mr. Kurtz did not really understand the reference to the German beer. R.K. termed the remark “hateful,” “unfunny” and “unnecessary” and made reference to what he said was an anti-German diatribe.

Andrea Graham, Program Manager for CBC Radio in Edmonton, responded that indeed the remark was “inappropriate” and that the issue had been discussed with Mr. Scholz to insure that it would not happen again.

Review

R.K. was absolutely right that the remark was “unfunny” and “unnecessary.” I did not find it “hateful” in context, nor was it part of what he termed an “anti-German diatribe.” It was a feeble attempt at “jock” humour and was more suitable to the locker room than the airwaves. I do not ordinarily referee humour, since senses of humour differ so widely, but, in this case, I could at least point out that the remark

hardly qualified in the category. It was clearly a violation of “good taste.” Ms. Graham appeared to have taken appropriate action in the circumstances.

April 15, 2010

E.P.

Radio News, Thunder Bay

E.P. complained about an item concerning Michael Shingabis, a Thunder Bay man who had pleaded guilty in Superior Court earlier that day to murdering his common-law girlfriend and some days later having intercourse with the body. E.P. felt that including this information was “completely unnecessary” and “offensive.”

Susan Rogers, Program Manager for CBC Thunder Bay, responded that “...it is our view that including some specific information about the circumstances and the nature of the man’s crime is important, relevant and indeed critical to understanding the story. Although, in light of its disturbing nature, we pared that information down to its most essential details.” She also said that there should have been a warning before the item that it might contain offensive material.

Review

CBC’s journalism policy states that “CBC programs should be in good taste...” but goes on to say: “However, there will be occasions when in reflecting reality it would be inappropriate to excise certain uses of language or depictions of violence or sexuality which normally would be avoided. To do so would be to deny CBC audiences access to certain events which may contribute materially to an understanding of the world in which they live.” The same section also urges programmers to broadcast cautionary announcements for those segments which “contain material which may be disturbing to some segments of the audience – and particularly children...” In the case at issue, the charge was, indeed, troubling and disturbing to the average person. For that reason, Ms. Rogers was right to conclude that a cautionary announcement should have been made. However, I could not conclude that providing the further details of the charge of “committing an indignity” violated CBC policy.

APPENDICES

Appendix I

2009-2010

NUMBER OF COMMUNICATIONS RECEIVED

	INFORMATION PROGRAMMING	GENERAL PROGRAMS/ OTHER	TOTAL	REVIEWED	REVIEW UNDER WAY/CARRIED OVER
2009-10	1204	824	2028	84 (incl. 12 re one program)	28
2008-09	1618	1048	2666	44	31
2007-08	1052	785	1837	51	20
2006-07	1326	491	1817	37	17
2005-06	1391 (+ 43,466 Green Party petition)	477	1868	40	9
2004-05	1809 (included 1077 re Green Party & debates)	241	2050	69	1
2003-04	1590	326 (+239 Cherry)	2155	75	5
2002-03	1273	376	1649	73	6
2001-02	582	442	1024	54	1
2000-01	597	537	1134	45	3
1999-00	702	362	1064	48	1
1998-99	462	422	884	40	3
1997-98	348	356	704	62 (incl. 24 re Cherry)	4
1996-97	216	227	443	110 (incl. 87 re one doc)	5
1995-96	221	65	286	37	7

MANDATE OF THE OFFICE OF THE OMBUDSMAN

I. PRINCIPLES

The CBC is fully committed to maintaining accuracy, integrity and fairness in its journalism.

As a Canadian institution and a press undertaking, the CBC is committed to compliance with a number of principles. Foremost among those is our commitment to scrupulously abide by the journalistic code of ethics formulated in our own handbook of journalistic standards and practices which stresses lack of bias in reporting. We are committed to providing information that is factual, accurate and comprehensive. Balanced viewpoints must be presented through on-the-air discussions. As it is for other public and private journalistic undertakings, credibility in the eyes of the general population is our most valuable asset and must be protected.

The Ombudsman is completely independent of CBC program staff and management, reporting directly to the President of CBC and, through the President, to the Corporation's Board of Directors.

II. MANDATE

1. Audience complaints and comments

- a) The Ombudsman acts as an appeal authority for complainants who are dissatisfied with responses from CBC program staff or management.
- b) The Ombudsman generally intervenes only when a correspondent deems a response from a representative of the Corporation unsatisfactory and so informs the Office of the Ombudsman. However, the Ombudsman may also intervene when the Corporation fails to respond to a complaint within a reasonable time.
- c) The Ombudsman determines whether the journalistic process or the broadcast involved in the complaint did, in fact, violate the Corporation's journalistic policies and standards. The gathering of facts is a non judicial process and the Ombudsman does not examine the civil liability of the Corporation or its journalists. The Ombudsman informs the complainant, and the staff and management concerned, of his/her finding.

- d) As necessary, the Ombudsman identifies major public concerns as gleaned from complaints received by his/her Office and advises CBC management and journalists accordingly. The Ombudsman may undertake periodic studies on overall coverage of specific issues when he/she feels that the number of public complaints indicates that there may be a problem.
- e) On occasion, the Ombudsman may convey to a wider audience, either within the CBC or among the general public, particular cases of concern or consequence to others than the complainant alone.
- f) The Ombudsman establishes a central registry of complaints and comments regarding information programs, and alerts journalists and managers, on a regular basis, to issues that are causing public concern.
- g) The Ombudsman prepares and presents an annual report to the President and the Board of Directors of the Corporation summarising how unsatisfied complaints were dealt with and reviewing the main issues handled by the Office of the Ombudsman in the previous year. The report includes mention of the actions, if any, taken by management as a result of the Ombudsman's findings, provided such disclosure does not contravene applicable laws, regulations or collective agreements. The annual report, or a summary thereof, is made public.
- h) The Office of the Ombudsman reports annually on how each media component has met the CBC standard of service for the expeditious handling of complaints.

2. Compliance with journalistic policy

- a) The Office of the Ombudsman is responsible for evaluating compliance with journalistic policies in all programs under its jurisdiction. It is assisted in this role by independent advice panels. Panel members are chosen by the Ombudsman; their mandate is to assess individual or groups of programs over a period of time, or the overall coverage of a particular issue by many programs, and report their findings to the Ombudsman.
- b) The evaluation measures the programs' performance in respecting the three fundamental principles of CBC journalism, Accuracy, Integrity and Fairness.
- c) The Ombudsman aims to have all information programming reviewed over a five-year period. The Office reports annually.

III. JURISDICTION

The jurisdiction of the Office of the Ombudsman covers all information programs on Radio, Television and the Internet. These programs include News and all aspects of

Public Affairs (political, economic and social) as well as journalistic activities in agriculture, arts, music, religion, science, sports and variety. Complaints involving entertainment programming are generally beyond the Ombudsman's mandate and should be addressed directly to the programs concerned.

IV. APPOINTMENT

- a) When filling the Ombudsman's position, the CBC openly seeks candidates from outside as well as inside the Corporation.
- b) After appropriate consultation, the President and CEO establishes a selection committee of four. Two members, including the committee chair, must be from the public. The other committee members are chosen, one among CBC management, the other among its working journalists. Members representing the Corporation and journalists jointly select the committee chair among the two representatives of the public.
- c) The selection committee examines applications and selects a candidate to be recommended for appointment by the President and CEO.
- d) The Ombudsman's appointment is for a term of five years. This term may be extended for no more than five additional years. The Ombudsman's contract cannot be terminated except for dereliction of duty or gross misconduct.
- e) The outgoing Ombudsman may not occupy any other position at the CBC for a period of two years following the end of his/her term but can, at the discretion of the incoming Ombudsman, be contracted to work for the Office of the Ombudsman.